IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 2623 OF 2007

Akhtar Hasan Rizvi & ors.... Petitioner

versus

State of Maharashtra & ors..... Respondent.

Shri G.S.Godbole i/b. R.R.Kalekar & M.A.Khan for the petitioner
Ms. V.S.Mhaispurkar AGP for respondents 1 and 2.
Mr. Suresh K.Mali for respondent no.3.

CORAM; A.P. DESHPANDE, J.
DATED; 30TH AUGUST, 2007

P.C.;

1. The learned counsel for the petitioners submit that the respondent no.4 was not a party in the appeal preferred by respondent no.3, and hence seeks permission to delete respondent no.4. The learned counsel for the respondent no.3 has submitted that the respondent no.4 has expired. Hence permission prayed for by the petitioner to delete respondent no.4 is granted but at the risk of the petitioner.

2. An order passed by the sub Dvl. Officer condoning delay of about 42 years in filing appeal was challenged by filing revision, by the present petitioner, before the Dvl. Commissioner. An application for stay was moved before the Revisional

Authority which came to be rejected by order dated 1-3-07 by the Dvl.Commissioner, Konkan Dn. Bombay. The said order passed by the Dvl. Commissioner rejecting the prayer for stay has been impugned by filing the present writ petition.

3. This court by order dated 19-4-2007 has granted ad-interim relief in favour of the petitioner in terms of prayer clause (b), granting stay of the proceedings of the appeal on the file of SDO. Both the counsel appearing for the respective parties are in agreement that the ad-interim order dated 19-4-2007 would be continued till the decision of the revision. In my view as well, continuing the ad-interim order till decision of the revision, would be in furtherance of cause of justice and avoid multiplicity of unnecessary litigation. Hence writ petition is partly allowed and dispposed of. The ad-interim order dated 19-4-2007 passed by this court shall continue to operate till the decision of the revision No. TNC/39/B/06. The Revision be decided as expeditiously as possible.

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